

The march to war in Iraq: Human rights or weapons of mass destruction?

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Most of us vividly recall the march to the war in Iraq. Many marched against the war, as I did in Brussels in February 2003. Yet I actively supported the removal of Saddam Hussein from power. Hence the basic dilemma. How could you end the dictatorship (my preferred term for “regime change”) without large-scale violence? How could you end Saddam Hussein’s four-decade rule without occupying Baghdad?

This is the major issue that the UK will confront in the Chilcot Inquiry. This is a unique opportunity for reassessment, although its official terms may be too narrow. Firstly, the Inquiry is “restricted” to Britain, while the most important protagonists were the US presidents since the elder Bush, and the leaders of the Iraqi opposition. Former decision-makers in Iraq still alive could also provide many clarifications, including the reason why Saddam Hussein drove such a hard bargain with UN inspectors at a time when he seems to have cleared the country from banned weapons of mass destruction (WMD).

Secondly, the timeframe is too narrow: the Inquiry looks no further back than 2001, while the main reason for the second Gulf war was the failure of the first Gulf war to remove Saddam from power, not to mention the 1980-88 Iran-Iraq war which the Iraqi dictator had also initiated. Who recalls that then-UN Secretary General Perez de Cuellar had in December 1990 squarely pinned down the responsibility for the horrendous eight-year carnage on Saddam Hussein?

Even within its official terms, the Inquiry will have to deal with an unusual game of shadows. Was the objective of the war to liberate Iraqis from Saddam’s rule, or was it to remove Saddam’s supposed WMDs?

The 2003 war started under a wrong premise: the removal of weapons of mass destruction, which the expulsion of UN inspectors back in 1998 had triggered in the first place. By the time they were accepted again into the country, the real objective of the war was the removal of Saddam. The contradiction has already stirred “bombshell” questions, when it transpired that the British ambassador to Washington at the time, Christopher Meyer, attended a meeting between Bush and Blair that agreed on regime change as early as April 2002.

Another “scandal” in the offing will easily come under the radar of the Chilcot enquiry. The UK Cabinet solicited and received the legal advice of Peter Goldsmith, the Attorney General – which, reduced to its simplest, was that Saddam had breached the ceasefire of 1991.

Goldsmith's short version of his opinion is on record, and develops the argument of "material breach," which I had myself presented in an op-ed in Al-Hayat several years earlier, and which was also argued in the brief of the US State Department legal advisor, John Bellinger, in a longish study, also a matter of record.

The argument can be presented as follows: all military actions taken against Saddam since March 1991, including the establishment of the safe haven in the Kurdish north, were countenanced by his breaking ceasefire resolution 687 on April 3, 1991, including on WMD, and Resolution 688, passed two days later, which requested "an end to the repression" by Saddam of his people, which the Security Council considered "a threat to international peace." But Goldsmith is said to have been "cornered" for this opinion by Blair and his aides. It is also that he did not believe Iraq was a threat to the UK, a condition for launching war against Saddam. Goldsmith's testimony will be decisive for the Chilcot Inquiry.

I suspect that, as in a famous legal dictum of the US Supreme Court, the historical record will not be "conclusive." The question will remain for historians, in the West and in Iraq, as to whether it was right to remove the dictatorship, in the first place, and whether the means to remove Saddam were proper. The ultimate criterion of the Inquiry will be legal: did, does international law allow regime change by outside force?

When I marched against the war in February 2003, I was convinced that there were better ways to remove Saddam Hussein than a massive invasion. Safe havens could have been developed in the south; a regime of human rights monitoring inspectors could have been enforced, while increasing the legitimacy of the opposition in the north and elsewhere by supporting a government in the areas free from Saddam Hussein's rule, along with the establishment of a tribunal to try him and his close aides for crimes against humanity.

With a group of Arab, then European colleagues, we developed in the summer and fall of 2002 a Democratic Iraq Initiative which eventually found support in no less a key figure in the US administration than Paul Wolfowitz. The historical record now shows that the Arab League was close to asking for Saddam's departure to avoid the occupation of Iraq. This should be a major part of the Chilcot Inquiry, that is, why a different road was not taken once the decision of ending the dictatorship had been made.

The focus of foreign intervention should have been on human rights rather than on weapons of mass destruction. The consequences on the current crisis in Iran are obvious: it is not so much the nuclear build-up in Iran which should be the concern of the international community, but the egregious human rights record of a president who rigged the elections to remain in power. It would be unfortunate if the lessons of the Iraq war that the Chilcot Inquiry is being asked to draw were to justify the argument that rulers are best left free to kill their own people.

The general sense that the Iraq war has been a failure has already been used by dictatorships across the world, from Zimbabwe's Mugabe to the satrapies of Central

Asia, including the dictatorship initiated by Hamid Karzai in Afghanistan under the watch of NATO troops. Absolute kings and presidents-for-life in the Arab world have been breathing a sigh of relief at the “failure” in Iraq. The Chilcot Inquiry should not give them a comfort they do not deserve.

In a way, the march to war is just the beginning of the story. Iraq has driven passions for over 20 years, and will likely continue to do so in our lifetime.

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